



United States Department of Justice
Civil Division, Federal Programs Branch
Ben Franklin Station, P.O. Box 883
Washington, DC 20044

October 8, 2020

By ECF

The Honorable John G. Koeltl
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., New York, NY 10007-1312

Re: Summary Judgment Briefing Schedule, *New York v. ED*, No. 20-cv-4260-JGK

Dear Judge Koeltl,

The Court has asked Defendants to respond to Plaintiffs' proposed summary judgment briefing schedule by October 8, 2020. ECF No. 95. As Plaintiffs indicated in their letter, certain documents were inadvertently omitted from the administrative record, and the Department of Education is working diligently to produce those documents to Plaintiffs.

Although the Department does not expect the supplemental production to significantly affect the briefing in this case, Defendants do not oppose modification of the summary judgment briefing schedule. The parties are currently negotiating a modified briefing schedule that is satisfactory to all parties and avoids unnecessary conflict with the Thanksgiving, Christmas, and New Year's holidays and will update the Court with their positions by tomorrow, October 9, 2020.

Respectfully submitted,

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

JENNIFER B. DICKEY
Deputy Associate Attorney General

JOHN V. COGHLAN
Deputy Assistant Attorney General

CARLOTTA WELLS
Assistant Branch Director

Benjamin Takemoto

BENJAMIN T. TAKEMOTO
(DC Bar # 1045253)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
Ben Franklin Station, P.O. Box No. 883
Washington, DC 20044
Phone: (202) 532-4252
Fax: (202) 616-8460
E-mail: benjamin.takemoto@usdoj.gov

Attorneys for Defendants